

ENVIRONMENTAL
PROTECTION AGENCY

JUL 17 2002

MONTANA OFFICE

Libby Area TAG Steering Committee
c/o George Keck
8561 Farm to Market Road
Libby, Montana 59923-9507
(406) 293-7446

15 July 2002

SDMS Document ID



2022471

Grants, Audit, and Procurement Program (8TMS-G)
Environmental Protection Agency, Region VIII
999 18th Street, Suit 300
Denver, Colorado 80202-2466
Attention: Wayne Anthofer, Program Manager

Subject: Technical Assistance Grant Application (Libby Superfund Site)

Reference: Libby Area Technical Assistance Grant Steering Committee
letter of intent (LOE), 21 may 2002

Enclosure: Libby Area Technical Assistance Group (LATAG) grant application
package (original and 2 copies) consisting of:

1. Standard Form 424 (General Information)
2. Standard Form 424A (Budget Information)
3. Standard Form 424B (Assurances)
4. Project Narrative Statement with Attachments (A through F)
5. EPA Form 5700-49 (Certification Regarding Debarment)
6. Drug Free Workplace Certification
7. Certification Regarding Lobbying
8. EPA Form 4700-4 (Preaward Compliance Review Report)
9. Certification of Non-Profit Status
10. Additional Application Information

The enclosed application package is forwarded for review and grant consideration pursuant to referenced notice of intent and EPA evaluation criteria provisions.

I will be out of town from 24 July to 15 August. Sandy Wagner, Vice Chair (406) 293-6244, may be contacted in my absence should a need arise.

Sincerely,

George Keck, Chair
Libby Area TAG Steering Committee

cc w/enclosure:

Diana Hammer
Paul Peronard
Jim Christianson

Wendy Thomi
Linda Newstrom

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction <input checked="" type="checkbox"/> Non-Construction <input type="checkbox"/>		2. DATE SUBMITTED July 15, 2002	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name: Libby Area Technical Assist. Group		Organizational Unit: NA	
Address (give city, county, state, and zip code): P.O. Box 53 Libby, Montana 59923		Name and telephone number of person to be contacted on matters involving this application (give area code): George Keck or Sandy Wagner (406)293-7446 (406)293-6244	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): TBD <div style="border: 1px solid black; width: 100px; height: 20px; margin-top: 5px;"></div>		7. TYPE OF APPLICANT: (enter appropriate letter in box) N	
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____		A. State H. Independent School Dist. B. County I. State Controlled Institution of Higher Learning C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify) Nonprofit Citizen Organization	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <div style="border: 1px solid black; width: 100px; height: 20px; margin-top: 5px; text-align: center;">6 6 - 8 0 6</div> TITLE: Superfund Technical Assistance Grant		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Technical Assistance at the Libby Superfund Site	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): City of Libby, Lincoln County, State of Montana		9. NAME OF FEDERAL AGENCY: U.S. Environmental Protection Agency	
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date 10/1/02	Ending Date 9/31/05	a. Applicant 1 (MT) b. Project 1 (MT)	
15. ESTIMATED FUNDING: 3 Year		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ 50,000 .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:	
b. Applicant In-Kind	\$ 22,650 .00	DATE _____	
c. State	\$ _____ .00	b. NO. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$ _____ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
e. Other	\$ _____ .00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No	
f. Program Income	\$ _____ .00		
g. TOTAL	\$ 72,650 .00		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative George Keck		b. Title Chair (Acting)	c. Telephone Number (406) 293-7446
d. Signature of Authorized Representative 		e. Date Signed 15 July 2002	

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Technical Assistance	66-806	\$	\$	\$	\$	\$
2. Grant at:	Libby Superfund Site					
3.						
4.						
5. Totals	See detailed budget in project narrative statement Section 2-B	\$	\$	\$	\$	\$
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	Technical Assistance	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	
b. Fringe Benefits	See detailed budget in project narrative statement Section 2-B					
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a-6h)						
j. Indirect Charges						
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$	
7. Program Income	\$	\$	\$	\$	\$	

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Technical Assistance at: Libby Superfund	\$	\$	\$	\$
9. Site				
10.				
11. See Detailed Budget In Project Narrative Statement				
12. TOTAL (sum of lines 8 - 11) Section 2-B	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 17,160	\$ 4,845	\$ 4,105	\$ 4,105	\$ 4,105
14. NonFederal	8,250	2,850	1,800	1,800	1,800
15. TOTAL (sum of lines 13 and 14)	\$ 25,410	\$ 7,695	\$ 5,905	\$ 5,905	\$ 5,905

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. Technical Assistance Grant at: LIBBY	\$ None	\$ None	\$ None	\$ None
17. Superfund Site				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: NA	22. Indirect Charges: NA
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23. Remarks:

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

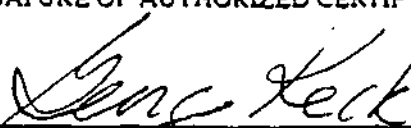
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. S. C. §4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. §1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. §6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a - 7), the Copeland Act (40 U.S.C. §§276c and 18 U. S. C. §§874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
		Chair (Acting)	
APPLICANT ORGANIZATION		DATE SUBMITTED	
Libby Area Technical Assistance Group		15 July 2002	

PROJECT NARRATIVE STATEMENT

Section 1 (Group Qualifications)

A. Group Eligibility

1. Do any of the following categories apply to your group? NO (yes/no) If the answer is yes, check the categories below that apply and provide a detailed explanation.

___ Are any members of your group potentially responsible parties (PRPs)?

___ Was your group established by a PRP?

___ Was/is your group sustained by a PRP?

___ Was your group established by, or is it presently sustained by, any of the following:

___ a corporation that is not incorporated for the specific purpose of representing affected individuals at the site

___ an academic institution?

___ a political subdivision?

___ Does anyone in your group have financial involvement in a PRP (as other than an employee or contractor)?

2. How many members are in your group? 21 Is it made up of a coalition of groups? NO (yes/no) If so, how many, and how did the groups come together? if not, how was your group formed?

The Libby Area Technical Assistance Group (LATAG), whose formation was facilitated by the Community Advisory Group (CAG), currently has 21 members from all sectors of this asbestos affected community. Membership is open to the general public with special effort being made to garner new members from infrastructure and demographic areas not currently represented within the group. LATAG's focus is to make certain that the cleanup of tremolite asbestos contamination (which resulted from the W.R. Grace mine and exportation sites) is comprehensive, complete and timely. Since LATAG requires technical assistance to accomplish this endeavor, they have chosen to apply for a Technical Assistance Grant (TAG) and form a non-profit corporation for the express purpose to achieve satisfactory superfund site remedial action through community involvement and participation as provided for in all phases of the EPA (NPL) cleanup process.

Section 1, Cont.

B. Responsibility Requirements

1. **Administrative and Management Capabilities:** Please briefly describe the organizational structure of your group in the space below. (Describe roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractors.)

The LATAG will file for incorporation together with 501(c)(3) non-profit tax exempt status by grant award. The LATAG Inc. membership will elect a Board of Directors consisting of not less than 5 or more than 11 members who will have general direction, management and control of all LATAG business and affairs. The LATAG Board of Directors, in turn, will elect from its members a Chair, Vice Chair, Secretary and Treasurer, plus one additional member that will constitute the Executive Committee. The LATAG is presently operating under a 21 member Steering Committee with an acting Chair. The Incorporators will elect the first permanent board (upon grant approval notification and subsequent incorporation filing). The Acting Steering Committee Chair/Vice-Chair or the LATAG Inc. Board Chair/Vice-Chair will be the group's designated representatives for the purpose of signing all documents related to the grant. The Board of Directors will arrange, manage and oversee the entire project including (but not limited to) the following activities: contracted Technical Advisor(s) and Administrator, fiscal, matching contributions, and civil rights/EEO compliance. Refer to the draft Articles of Incorporation and attendant Bylaws (Attachments 1-A and 1-B) for additional LATAG Inc. administrative structure (roles and responsibilities) detail.

2. **Resources for Project Completion:** What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)

The LATAG will require technical advisory services for three years in order to accomplish it's mission and goals. Initially, the total estimated budget will be \$72,650 for a three-year project period. Of this amount, the Federal share will be \$50,000. LATAG will match the Federal share with \$22,650 (greater than 20% of total estimated budget cost) with in-kind contributions. In-kind contributions will be in the form of donated review, management, administration, public information/education, legal and grant liaison effort. Refer to the Statement of Work (SOW) and Budget Proposal (Attachments 1-C and 1-E) for additional breakdown detail.

3. **Performance Record:** Please describe your group's past performance with satisfactorily completing projects and contract. (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)

Section 1, Cont.

The LATAG is a newly formed community group, for the express purpose of ensuring satisfactory EPA (NPL) Libby superfund site cleanup (through community involvement and participation). The involvement and participation will be by way of providing community review, comment and recommendations concurrent (as provided for) with all phases of the EPA's Libby cleanup process. While the LATAG (as an entity) has an extremely short performance history due to it's recent formation, individual member expertise reflects success in various fields including (but not limited to) real-estate, insurance, healthcare, education, construction, legal, radio/TV, civic service, fund raising, accounting, report writing, non-profit organization and grant management.

Statement of Work (Attachment 1-C) details grant technical assistance and management functions. The SOW is tied to the proposed budget (Attachment 1-E), by reference, therein. Intended Articles of Incorporation and Bylaws (Attachments 1-A & 1-B) structures LATAG, for successful performance.

4. **Accounting and Auditing Procedures:** What procedures does your group plan to use for record keeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.

The SOW stipulated financial system (Attachment 1-C, Section 2) will be in compliance with generally accepted accounting procedures. Financial data will be utilized to the maximum extent possible for overall performance management. Financial tracking will be established, in accordance with federal grant expense reimbursement provisions. SOW (Attachment 1-C) expressed in budgetary terms (Attachment 1-E), will utilize a cost collection system (maintained by the administrator) that generates financial data which identifies federal share of costs for reimbursement. The financial management system will also provide data with respect to task expenditures. This will enable LATAG maintenance of grant stipulated minimum matching cost share (20% of total budget) and maximum administrative cost limitation (20% of total budget).

At present, the LATAG membership includes an individual who is an accountant. In-kind member overall financial management and accounting support will be provided throughout the period of performance with the possible exception being independent audit. An outside accountant shall be utilized for an independent audit, as required by federal regulations. The current LATAG membership also includes several with broad base business and financial management skills including program management cost/schedule control system criteria (C/SCSC). The Treasurer on the Executive Committee will maintain all financial records related to the grant.

Section 1, Cont.

- 5, Incorporation:** Is your group incorporated specifically for the purpose of addressing problems at this site? NO (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?

The LATAG will file for incorporation in the State of Montana, together with 501(c)(3) non-profit tax exempt status with the Internal Revenue Service, by grant award. Incorporation will be specifically for the purpose of addressing the Libby area Superfund Site, as provided for in the EPA/NPL remedial action process. Draft copies of the Articles of Incorporation and attendant Bylaws, that have been prepared for filing/adoption, are enclosed (Attachments 1-A and 1-B). The Bylaws (Attachment 1-B) details administrative structure, objectives and restrictions.

- 6. Drug-Free Workplace Policy:** Does your group promise not to engage in illegal drug-related activities while carrying out activities using TAG funds: YES (yes/no)

C. Group Issues and Objectives

- 1. Health Considerations:** How many group members have experienced health effects from contamination at the site: ALL. Describe actual or potential health threats the site poses to individual group members and the efforts members of your group have undertaken to resolve or make known these health concerns.

All within the group probably have experienced health effects, when considering the latent effects of tremolite asbestos. The tragic consequences of tremolite asbestos in the environment (both in and around Libby, Montana) are well documented and well known (i.e., EPA Office of Inspector General Report 2001-S-7, EPA's Actions Concerning Asbestos Contamination, 31 March 2001; ATSDR Medical Testing Report to the Community, 23 August 2001; and EPA memorandum, Libby Area Imminent and Substantial Public Health Endangerment, 20 December 2001).

Elimination of the tremolite threat, to human health and the environment, is the first order of business with the Libby community as a whole. To this end, the Libby Community Advisory Group (CAG) advocated member facilitation of an independent steering committee, whose express purpose (should they so decide) would be to proceed with application for an EPA Technical Assistance Grant (TAG). Technical assistance that would be utilized, to ensure satisfactory remedial action through community involvement and participation (as provided for by the EPA), in all phases of the NPL cleanup process. The CAG members, facilitating this endeavor, are familiar with EPA's emergency response remedial workings and have previously facilitated another independent community project addressing health care for the underserved.

Section 1, Cont.

- 2. Consolidation/Representation:** Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.

The entire Libby community and surrounding 4 mile area (approximately 12,000 population) have been impacted in one way or another. If not from a health and well being standpoint, then economically, ranging from business to land/home owner. Absolutely no one has been left out (including future generations) from the pall tremolite asbestos has left, over the Libby community. It is readily understandable that LATAG should be representative of those from all aspects of the community, who want to ensure satisfactory EPA superfund site remedial action through involvement, participation and oversight.

The LATAG steering committee makeup (from which members will emerge upon incorporation) is indicative of the foregoing. The steering committee is a representative cross section, of the affected community, that is fully dedicated to the task at hand and thoroughly capable of successful TAG facilitation. Attachment 1-F lists the present steering committee (all acting as site affected individuals). LATAG Bylaws (Attachment 1-B) Article V, Membership, further details criteria.

- 3. Tasks for Technical Advisors:** Please describe how your group intends to use your technical advisor to interpret technical Superfund information.

The primary purpose of the tasks to be performed by the Technical Advisor, is to help the members of the LATAG better understand the technical information, data reports, designs and presentations provided by the EPA, in the course of studying and conducting remedial activities at the Libby NPL Superfund Site. By interpreting, analyzing and evaluating the information, the Technical Advisor will aid LATAG in communicating/educating more productively and efficiently on remedial activities at the site. The ultimate goal of the technical assistance project is to help LATAG participate in the EPA's remedial activities (as provided for) gaining tremolite asbestos abatement in Libby and surrounding areas to the communities satisfaction. A more detailed description of the tasks to be accomplished by the Technical Advisor is provided in the SOW (Attachment 1-C) and related milestone breakdown (Attachment 1-D).

- 4. Information Sharing:** How does your group intend to share information collected with grant funds with the larger community?

To keep the community informed of activities involving the Libby Superfund Site, LATAG will produce a newsletter keyed to three minimum anticipated major

Section 1, Cont.

milestones in the cleanup process (RI/FS, ROD, RD/RA). Copies will be distributed to interested members and the local media (press and radio). In addition, all final documents produced by the Technical Advisor(s), will be provided to the EPA for placement in their repositories, established for the site including (but not limited to) the Libby public library. To encourage community involvement LATAG will make it's general meetings open to the public. Additionally, prior to the EPA's public meeting outlining their Feasibility Study alternative methods of cleanup and recommending the one most suitable, LATAG will hold a community forum, to brief the public on the Technical Advisor's findings. LATAG will advertise this meeting and all general meetings in the local media. Public meetings and seminars, will be held as deemed necessary by the LATAG to inform, educate and clarify policy and procedure relevant to the EPA's cleanup process.

5. **Economic/Environmental Considerations:** How many group members have experienced economic/environmental impacts from contamination at the site? ALL Please describe the actual or potential economic harm or loss of environmental amenities the site has imposed on individual group members, and efforts group members have undertaken to resolve or make known these concerns.

As identified in C-2 above, the entire community has been directly affected by tremolite asbestos contamination, whether it be by death in the family, contraction of asbestosis and/or other diseases related therefrom, business loss, property value loss, quality of life, or simply by the stigma associated, thereto. Add to this, a general down-turn from the national economy and it transcends an even greater threat to Libby's infrastructure, especially real-estate and tourism. Both environmental and health questions ranging from water quality issues to demands on currently underserved healthcare beg to be addressed. Environmental concerns alone were strong enough that EPA Region 8 requested (with avid community group back-up) National Emergency status for the Libby site.

A community advisory group (CAG) was fostered, early on by the EPA, at the onset of Libby emergency cleanup activity in 2000. This citizen group, provided community participation and involvement in health issues, educational outreach, emergency cleanup information exchange, political awareness, State use of the "Silver Bullet" and NPL listing achievement. CAG, in turn, reviewed and encouraged formation of an independent steering committee to secure a TAG grant for the Libby community at large. Volunteers from CAG formed the LATAG steering committee and facilitated it's TAG grant application.

Section 2 - Statement of Work for the Technical Advisor

A. Statement of Work: Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.

LATAG technical assistance defined in the SOW (Attachment 1-C) represents community participation/involvement provided by a large/complex EPA NPL Superfund Site cleanup program at Libby. This, in turn, represents a clean-up effort with scope determination ongoing (rolling wave) throughout the (grant stipulated) 3 year period of performance.

Attachment 1-C provides LATAG statement of work (SOW) detail. Attachment 1-D relates EPA process major milestones to contracted technical advisor(s) and administrative effort federal share (Attachment 1-C, Sections 1-B and 2-B).

B. Detailed Budget: Prepare a budget for the technical assistance project. Indicate the tasks to be completed by the technical advisor, the estimated number of hours, and the cost for each task (including travel costs). Use footnotes to explain assumptions made in the budget (such as hourly rate of advisor or adjustments for inflation). The budget should identify everything that you expect to purchase with grant funds.

The budget should show the amount of the group's matching contribution separately from federal funds. Note that the grant funds (usually 80%) plus group contribution (usually 20%) must equal the total project costs; grant funds cannot exceed 80% of project costs for any budget period. In your statement, be sure that you differentiate cash expenditures from in-kind contribution. Also, include explanations of the assumptions made in calculating the value in in-kind contributions.

SOW scope, equated in terms of personnel/cost (with consideration for stipulated funding and performance period constraints) suggests a level of effort (LOE) or time and material (T&M) basis best suits budgetary logic in this instance. LOE was utilized as the basis of estimate (BOE) for translating LATAG's SOW (Attachment 1-C) into proposed budgetary terms (Attachments 1-D and 1-E) satisfying given superfund law initial TAG award \$50,000 limit, a 3-year project period and 20% matching cost/administration conditions.

Attachment 1-E provides LATAG proposed budget detail (federal and matching share). Note: Assumptions made in the calculation of in-kind contributions are at estimated local equivalent rates.

**ARTICLES OF INCORPORATION
OF
LIBBY AREA TECHNICAL ASSISTANCE GROUP, INC.**

We, the undersigned incorporators, hereby associate ourselves together to form and establish a non-profit corporation under the laws of the State of Montana.

ARTICLE I

The name of the corporation shall be Libby Area Technical Assistance Group, Incorporated.

ARTICLE II

The duration of this corporation shall be perpetual.

ARTICLE III

A. PURPOSES. This Corporation shall be operated exclusively for educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. The specific purposes of the Corporation shall include, but not be limited to:

- 1. To better educate members of the Libby Area Technical Assistance Group (LATAG) and members of the general public about issues, government agencies, corporations, and processes that affect the Libby Area Superfund Site and resultant National Priorities Listing (NPL); and,**
- 2. To facilitate and ensure effective and informed public involvement and participation in all phases of the EPA cleanup process giving way for satisfactory superfund site remedial activities.**
- 3. To enter into partnerships (or other arrangements for sharing of revenues), union of interest, joint ventures, reciprocal concessions, or otherwise with any person, firm or cooperation carrying on or engaged in (or about to carry on and engage in) any business or transaction which this Corporation is authorized to carry on, or engage in any business or transaction capable of being conducted so as to directly or indirectly benefit the Corporation.**
- 4. To receive grants, gifts and/or stipends from any person, association or corporation for any lawful purpose for which the Corporation is formed; and,**
- 5. To engage in any activities consistent with the mission and objectives of the Corporation as stated in the Bylaws and approved by the Board of Directors.**

B. POWERS. In furtherance of the foregoing purposes and objectives (but not otherwise) and subject to the restrictions set forth in Section (C) of this article, the Corporation shall have and may exercise all of the powers now or hereafter conferred upon non-profit corporations organized under the laws of Montana and may do everything necessary or convenient for the accomplishment of any of the corporate purposes, either alone or in connection with other organizations, entities or individuals, and either as principal or agent, subject to such limitations as are or may be prescribed by law.

C. RESTRICTIONS ON POWERS.

1. No part of the new earnings of the Corporation shall inure to the benefit of or be distributable to any member which is not then an exempt organization described in Section 501(c)(3) of the Internal Revenue Code, and no director or officer of the Corporation, or any other individual, shall be entitled to share in any distribution of any of the corporate assets on dissolution of the Corporation or otherwise.
2. No substantial part of the activities of the Corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation. However, if the Corporation is an organization to which Section 501(h) of the Internal Revenue Corporation has effectively elected to have such sections apply, the Corporation shall have power to carry on the activities permitted by such section, but only to the extent such activities shall not result in the denial of exemption under such Section 501(h) or the imposition of tax under Section 4911 or Section 4945 of the Internal Revenue Code. The Corporation shall not participate or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.
3. No Part of the assets of the Corporation shall be contributed to any organization whose net earnings or any part thereof inure to the benefit of any private shareholder or individual or any substantial part of the activities of which consists of carrying on propaganda or otherwise attempt to influence legislation (except to the extent that such activities by such an organization which is then an exempt organization described in Section 501(c)(3) of the Internal Revenue Code will not result in loss of its exception under Section 4945 of the Internal Revenue Code).

4. Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the corporation, dispose of all the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes or shall qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by an appropriate court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization, as the court shall determine, which are organized and operated exclusively for such purposes.
5. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code or by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, and during any period of time in which the Corporation is a private foundation as defined in Section 509(a) of the Internal Revenue Code.
 - a. The Corporation shall not engage in any act of *self-dealing*, as defined in Section 4941(d) of the Internal Revenue Code, so as to give rise to any liability for the tax imposed by Section 4941(a) of the Internal Revenue Code;
 - b. The Corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942(a) of the Internal Revenue Code;
 - c. The Corporation shall not retain any *excess business holdings*, as defined in Section 4943(c) of the Internal Revenue Code, so as to give rise to any liability for the tax imposed by Section 4943(a) of the Internal Revenue Code;
 - d. The Corporation shall not make any investments which would jeopardize the carrying out of any of the exempt purposes of the Corporation, within the meaning of Section 4944 of the Internal Revenue Code, so as to give rise to any liability for the

tax imposed by Section 4944(a) of the Internal Revenue Code;
and,

- e. The Corporation shall not make any *taxable expenditures*, as defined in Section 4945(d) of the Internal Revenue Code, so as to give rise to any liability for the tax imposed by Section 4945(a) of the Internal Revenue Code.

ARTICLE IV

REGISTERED OFFICE AND AGENT. The address of the initial register office of the Corporation is 8561 Farm To Market Road, Libby, Montana 59923. The name of its initial registered agent at such address is George Keck.

ARTICLE V

BOARD OF DIRECTORS. The management of the affairs of the Corporation shall be vested in a Board of Directors, except as otherwise provided in the Montana Non-Profit Corporation Act, these articles of incorporation or the bylaws of the Corporation. The number of directors, their classification, if any, their terms of office and the manner of their election or appointment shall be determined according to the bylaws of the Corporation.

ARTICLE VI

BYLAWS. The initial bylaws of the Corporation shall be adopted by the Board of Directors. The Board shall have power to alter, amend or repeal the bylaws and adopt new bylaws. Such bylaws may contain any provision for the regulation or management of the affairs of the Corporation which are not inconsistent with law or these Articles of Incorporation, as may be amended. However, no bylaws and no amendment to these articles shall have the effect of giving to any director or officer of this Corporation or to any organization which is not then an exempt organization described in Section 501(c)(3) of the Internal Revenue Code, any property or assets of the Corporation during the term of the Corporation's existence or as an incident to its dissolution.

ARTICLE VII

INCORPORATORS/INITIAL DIRECTORS. The name and address of each incorporator is as follows:

George Keck
8561 Farm to Market Road
Libby, Montana 59923

Attachment 1-A
-DRAFT-

Sandy Wagner
Post Office Box 153
Libby, Montana 59923

Gary Morton
667 2nd St. Ext. W.
Libby, Montana 59923

IN WITNESS WHEREOF, we, the undersigned, each of whom is of lawful age, a citizen of the United States, and a resident of the state of Montana, have hereunto set our hands this _____ day of _____ 2002.

George Keck
8561 Farm to Market Road
Libby, Montana 59923

Sandy Wagner
Post Office Box 153
Libby, Montana 59923

Gary Morton
667 2nd St. Ext. W.
Libby, Montana 59923

Attachment 1-B
-DRAFT-

**BYLAWS OF
LIBBY AREA TECHNICAL ASSISTANCE GROUP, INC.**

ARTICLE I

GENERAL

SECTION 1

The name of this Corporation shall be Libby Area Technical Assistance Group, Inc., referred to below as LATAG.

SECTION 2

The location of the principal office of the LATAG shall be the State of Montana.

SECTION 3

The LATAG shall remain incorporated under the laws of the State of Montana as a non-profit educational organization

ARTICLE II

OBJECTIVES

SECTION 1

The objectives of LATAG shall be to involve individuals, organizations and the public in order to enhance citizen understanding of and involvement in the overall site condition and activities of the Superfund cleanup at the Libby National Priorities Listing (NPL) site. The objectives shall include, but not be limited to, the acquisition of an EPA Technical Assistance Grant; the hiring and supervision of Technical Advisors; conducting public information meetings; and the preparation and distribution of related items to the media.

ARTICLE III

RESTRICTIONS

SECTION 1

The LATAG shall not have or exercise any power or authority either expressively, by interpretation or operation of law, nor shall it directly or indirectly engage in any activity,

Attachment 1-B

-DRAFT-

that would prevent the LATAG from qualifying and continuing to qualify as a Corporation described in Section 501(c)(3) of the Internal Revenue Code, contributions to which are deductible for federal income tax purposes.

SECTION 2

No substantial part of the activities of the LATAG shall consist of carrying on propaganda, or otherwise attempting to influence legislation; nor shall it in any manner or to any extent participate in, or intervene in any political campaign on behalf of any candidate for public office; nor shall it engage in any activities that are unlawful under the laws of the United State of America, the State of Montana, or any other jurisdiction where such activities were carried on; nor shall it engage in any transaction defined at the time as prohibited under Section 503 of the Internal Revenue Code.

SECTION 3

The LATAG shall never be operated for the primary purpose of carrying on a trade or business for profit. Neither the whole (or any part or portion) of the assets shall be used, nor shall the LATAG ever be organized or operated, for purposes that are not exclusively religious, charitable, scientific, literary or educational within the meaning of Section 501(c)(3) of the Internal Revenue Code.

SECTION 4

Pursuant to board policy, no compensation shall ever be paid or made to any member, officer, director, trustee, creator, or organizer of the LATAG, or substantial contributor to it, except as a reasonable allowance for actual expenditures or services actually made or rendered to or for the LATAG; and neither the whole nor any part or portion of the assets or net earnings, current or accumulated, of the LATAG shall ever be distributed to or divided among any such person(s); provided, further, that neither the whole nor any part of such assets or net earnings shall ever be used for, accrue to, or inure to the benefit of any member or private individual within the meaning of Section 501(c)(3) of the Internal Revenue Code.

SECTION 5

In the event of termination or dissolution of the LATAG (in any manner or for any reason whatsoever) its remaining assets (if any) shall be distributed to (and only to) one or more organizations described in Section 501(c)(3) of the Internal Revenue Code.

SECTION 6

The powers and purposes of the LATAG shall at all times be limited as to enable the LATAG to qualify as a non-profit corporation pursuant to the statutes of the State of Montana.

SECTION 7

The LATAG will maintain a Drug-Free Work Place and will not engage in illegal drug-related activities.

ARTICLE IV

JURISDICTION

The territorial jurisdiction of this Organization shall be international.

ARTICLE V

MEMBERSHIP

SECTION 1

Membership shall be open to individuals and organizations whose interests and/or objectives are consistent with the purposes and objectives of the LATAG. Membership shall be achieved by a person (or representative) giving written notice of intent to join, with address for notification.

SECTION 2

Membership shall not be open to political parties, political action committees, any organization whose principal purpose is to advance or promote the candidacy of any individual for public office, those potentially responsible (PRP) for contamination problems at the Site, academic institutions, political subdivisions, or a group established or sustained by governmental entities.

SECTION 3

Each member agrees to release, hold harmless, and indemnify the LATAG, its Board of Directors, Officer, agents or members from all claims for damages arising from complaints or unlawful acts against the member.

SECTION 4

Any member may resign by written notice to the LATAG and such resignation shall be effective upon receipt.

SECTION 5

Attachment 1-B

-DRAFT-

LATAG Bylaws

Members shall not be required to pay dues.

SECTION 6 SUSPENSION AND EXPULSION FROM THE LATAG

SECTION 6.1

A member may be suspended or expelled for committing behavior which conflicts with the Articles or Bylaws of this Corporation, or the purpose for which this Corporation was formed. A formal complaint about the behavior of a member of the LATAG shall be in writing, signed by the complainant, and filed with the member and the Executive Committee for review/investigation as to merit.

SECTION 6.2

The member will then be notified of the right to reply within twenty (20) days in writing to the Board of Directors, which may upon receipt of the answer, choose by majority vote to:

- a. Dismiss the complaint;**
- b. Admonish the member;**
- c. Suspend the member for not less than six months; and**
- d. Expel the member.**

SECTION 6.3

At least six months from the suspension or expulsion of any member, application may be made to the Board of Directors for reinstatement, which may be granted under any terms deemed appropriate.

ARTICLE VI

BOARD OF DIRECTORS

SECTION 1

The Board of Directors shall consist of not less than 5 or more than 11 members. The first permanent board shall be elected by the incorporators at the first annual meeting of the members. Thereafter, at each annual meeting of the members, the members shall elect the Board of Directors. Directors shall hold office for one year and until their respective successor shall be elected and qualified. Members shall have one vote for purposes of voting for board members, whether the member is an individual or an organization.

SECTION 2

Attachment 1-B

-DRAFT-

LATAG Bylaws

Members of the Board of Directors serve on the Board in their individual capacity. If they are active participants in member organizations of the LATAG, their duties shall include acting as a liaison between LATAG and the member organizations in which they actively participate.

SECTION 3

Membership of the Board shall be for a one-year term. Sequential terms for members are not prohibited.

SECTION 4

POWERS OF THE BOARD

SECTION 4.1

The Board shall have the general direction , management, and control of all the property, business and affairs of the LATAG. It shall determine the duties, beyond those fixed by these bylaws, of all officers, agents, and clerks of the LATAG.

SECTION 4.2

In addition, the Board shall establish policies, issues, strategies, and tactics for LATAG activities.

SECTION 4.3

The Board shall reserve to itself final authority over all press releases, information packets, and any other forms of communication. At the discretion of the Board, this authority may be delegated to Officers, or the staff of the LATAG.

SECTION 4.4

The Board shall initiate and coordinate activities with member organizations. This authority may be delegated to Officers or the staff of the LATAG.

SECTION 5

Meetings of the Board shall be held at such times as the Board shall direct, but at least twice a year. "Special" meeting(s) of the Board as deemed appropriate shall be called by the Chairman, Secretary, or any three (3) members of the Board. Voting may be by written proxy. Notice of each special meeting shall be given members by mail at least ten (10) days prior to the meeting (emergency meetings the exception).

SECTIONS 6

Attachment 1-B

-DRAFT-

LATAG Bylaws

A majority of the Board, but not less than three (3), shall constitute a quorum for the transaction of business.

SECTION 7

A decision of the Board may be overturned by two-thirds of the membership by referendum and/or initiative. Voting may be by written proxy.

SECTION 8

Any member of the Board may be removed by two-thirds of the Board at a regular or special meeting. Any member so removed may be reinstated by two-thirds of the general membership by referendum. Voting may be by written proxy or mail ballot.

SECTION 9

In the event of the vacancy of any Officer or Member of the Board, the Board may elect at its discretion an individual member of the LATAG to the Board to serve for the unexpired portion of the term.

SECTION 10

Proxies. Directors may give proxies to other Directors for use at meetings. Such proxies shall be valid only for a specific meeting and only if filed in writing with the Secretary prior to the meeting.

ARTICLE VII

EXECUTIVE OFFICERS

SECTION 1

Every year the Board shall elect from its members a Chair, Vice Chair, Secretary, and Treasurer, plus one additional member to constitute the Executive Committee.

SECTION 2

Membership on the Executive Committee shall be coterminous with the Officer's membership on the Board.

SECTION 3

Attachment 1-B

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LATAG Bylaws

The Officers of the LATAG shall be elected by a majority of the Board then in office. Officers and members of the Executive Committee, so elected, shall serve until the first annual meeting. Thereafter, the terms of Officers and members of the Executive Committee shall be one year, and elections shall take place at the annual meetings.

SECTION 4

Any Officer of the Board may be removed from office by a two-thirds vote of the Board. Such Officer shall be given written notice of the reasons for the removal.

SECTION 5

DUTIES OF THE OFFICERS

SECTION 5.1

CHAIR. The Chair shall preside at all meetings of the Board and Executive Committee, but may delegate this authority to any other member of the Board. She/he shall oversee on behalf of the Board the implementation of the policies adopted by the Board, and shall have other powers and duties as may be prescribed by the Board from time to time.

SECTION 5.2

VICE CHAIR. The Vice Chair shall act in the absence of the Chair and shall perform other duties or responsibilities delegated by the Chair or the Executive Committee.

SECTION 5.3

TREASURER. The Treasurer shall take custody of all funds, gifts received, and other assets of the LATAG, place them in accounts in the name of the LATAG in such banks and other depositories as the Board may direct; disburse such funds or other assets as upon the direction of the Board or the Chair; keep and maintain complete financial records of the assets, receipts, and disbursements of the LATAG; collect all monies due the LATAG; pay routine bills and expenses of the LATAG without specific resolution of the Board; and perform other duties as the Board or Chair may direct.

SECTION 5.4

SECRETARY. The Secretary shall keep the records of the LATAG and the Board of Directors. She/he shall call meeting of the Board, keep minutes of all such meetings of the Board and Executive Committee; issue notices of all meetings; file all reports required pursuant to state and federal law, and perform such other duties as the Board and Chair may direct.

SECTION 6

Both the Secretary and Treasurer shall permit any Board Member or Member of the Executive Committee to inspect all books and records of the LATAG for any purpose at any reasonable time.

ARTICLE VIII

COMMITTEES

SECTION 1

Between Board of Directors Meetings, the Executive Committee shall act on behalf of the Board of Directors. Any decision of the Executive Committee may be overruled by two-thirds of the Board, or two-thirds of the general membership. Such voting may occur by written proxy or mail ballot.

SECTION 2

There shall be standing Nominating/Membership, Finance, Technical Review/Assistance and Publicity/Education Committees, whose specific duties shall be defined, and members appointed annually, by the Chair. The Chair may also establish other standing and ad hoc committees, define their functions, and appoint their members. Members of the standing and ad hoc committees need not be members of the Board but shall be members of the LATAG.

ARTICLE IX

MEETINGS OF THE MEMBERS

SECTION 1

The annual meeting of the membership shall be decided by the Board of Directors. A majority of the board of Directors may change the date of the annual meeting provided members are notified by mail no later than twenty one (21) days before the new meeting date.

SECTION 2

Special meetings of the membership shall be called by the Board of Directors no sooner than fourteen (14) days after mailing written notice of said meeting.

SECTION 3

All LATAG decisions submitted to the membership shall be settled by majority vote.

ARTICLE X

FISCAL YEAR

SECTION 1

The fiscal year of the LATAG shall be determined by the Board of Directors.

ARTICLE XI

AMENDMENTS AND REFERENDA

SECTION 1

Proposal for amendments to these Bylaws, Referenda and/or Initiative, may be made by one of the following:

- a. A majority vote of the Board of Directors; or**
- b. A written petition signed by one-tenth (1/10) of the voting membership.**

SECTION 2

The proposed Amendment or Referendum must be announced to the membership within ten (10) days after its proposal, including the date of the meeting to consider the matter. A Ballot and/or Initiative, either direct or by mail, shall then be circulated among all members in good standing. Votes, including proxy votes, must be received by a designated date not less than thirty (30) days after the mailing. Amendments shall be approved by two-thirds (2/3) of the votes received. Referenda and/or Initiative shall be determined by the majority.

STATEMENT OF WORK

**LIBBY AREA TECHNICAL ASSISTANCE GROUP, INC.
- 3 YEAR GRANT PERIOD -**

1. GRANT TECHNICAL ASSISTANCE FUNCTION

A. Technical Review/Oversight Tasks (Estimate: 540 hours):

- 1. Provide review and comment for the remedial activities and activities attendant to, resulting from, required by or supportive of, the remedial activities undertaken by the US Environmental Protection Agency and/or any other agency or department of the United States; the State of Montana and its subdivisions; local government units; potentially responsible parties; and any other third party at the Libby Superfund Site, which includes the town and mine operable units.**
- 2. Based upon the reviews and other pertinent information, identify and report the need of additional studies and analysis. If any, clarify, verify, document and/or investigate areas of potential omission and/or concern.**
- 3. Submit summary memos and reports (reviews and comments) to the EPA.**
- 4. Present reports to the general public in open community meetings with the goal of educating all those affected by the identified contaminant(s).**
- 5. Work with technical advisor(s). Recruit, coordinate and facilitate LATAG's program with contracted and volunteer experts. Define problems and identify a range of possible solutions.**
- 6. Promote public interest, education, and participation as appropriate. This includes hosting and attending public educational meetings, organizing media and other outreach activities, responding to requests and informational needs, and disseminating information and resources to the public at large.**

B. Contracted Technical Advisor(s) Tasks (Estimate: 720 hours, 6 trips):

- 1. Review technical and any other appropriate documents generated during the term of Libby Superfund Site operable units. Reviews shall include (but not be limited to) search and review of relevant data that may not be presented in the local site plan.**

Attachment I-C

LATAG Statement of Work

- 2. Review documents and determine what data, rationale, and assumptions served as the foundation for these studies and analyses. Based on this information, render an opinion as to the adequacy of these studies and analyses. As a result of detailed review, develop concerns about the adequacy of other existing analyses and report on them. Independent technical analysis that constitutes "sampling" or generation of new data shall not be pursued. Secondary analysis of existing data shall be accomplished as deemed appropriate.**
- 3. Provide written reports that present interpretations of existing analyses and studies, justification of these interpretations, descriptions of independent analyses, comparison of results, and recommendations for additional analysis of field monitoring.**
- 4. Attend operable unit site meetings and provide written reports on their content.**
- 5. Review and analyze remedial activities and attendant schedules for all operable units of the Libby Superfund Site.**
- 6. Identify, secure, subcontract with, and manage the services of other professionals as required by/for LATAG. Such services may be for legal, medical expertise, education, outreach, and other disciplines and professions including (but not limited to) engineering, economics, sociology, geology, chemistry, botany, zoology, toxicology, biology, journalistic and clerical.**
- 7. Recruit, coordinate, and report the results of the efforts of volunteer professional, scientific, and technical consultants. Ensure in-kind (pro bono) consultation.**
- 8. Identify and report issues which may be expected to influence remedial activities or schedules at the Libby Superfund Site operable units. Such issues include (but are not limited to): waste repository sites; public health and environmental risk assessment; institutional controls; applicable and relevant (or appropriate) regulations; public participation in remedial activities; remedial alternative demonstration; local government activities and activities of state agencies; and potential responsible party (PRP) activities.**
- 9. Inform and update the LATAG Board of issues and events as appropriate. These shall occur as necessary, but always at regular board meetings.**

Attachment 1-C

LATAG Statement of Work

2. GRANT MANAGEMENT FUNCTION

A. Management Administrative/Oversight Tasks (Estimate: 230 hours):

- 1. Establish and maintain a financial management system. This system shall provide reports which track all administrative and technical expenditures including that relative to matching share.**
- 2. Establish a filing system for record keeping. Maintain records including (but not limited to): canceled checks, invoices, time sheets, work orders, receipts, letters, reports, audits, acquired assets, awarded contracts, and in-kind contributions. Additionally, ensure that contractors provide records on a regular basis that reflect work progress, expenditures, and commitments of service to LATAG.**
- 3. Develop and implement a public information format. This may include (but is not limited to): website development; informational flyers; newspaper, radio, TV; and public opinion polls.**
- 4. Participate in presentations to public groups interested in the Libby Superfund clean-up process and resolution.**
- 5. Establish contacts with all appropriate governmental organizations. Review/discuss grant project changes as they arise with EPA local and regional offices.**
- 6. Prepare/submit Grant required financial and progress/status reports (i.e. SF's-269, 270, 334, 424A-C, etc.)**
- 7. Research alternate funding services**

B. Contracted Administrator Tasks (Estimate: 720 hours):

- 1. Maintain bookkeeping, record keeping, and preparation/filing of various materials used in LATAG day to day business in support of 2.A above. This includes (but not limited to) assisting/preparing various internal reports (such as budgets, expenditures, time keeping) and Grant required EPA reports.**
- 2. Schedule and attend meetings including the taking and preparing minutes of these meetings.**
- 3. Prepare newsletter and fact/information sheets. Assemble and prepare these materials for printing and mailing.**

Attachment 1-C

LATAG Statement of Work

- 4. Maintain LATAG membership list and mailing list of Local organizations and other groups.**
- 5. Meet regularly with LATAG Board to discuss administrative schedules and activities.**
- 6. Other duties as may be determined by the board.**

PROPOSED SCHEDULE OF TASKS AND COSTS FOR TECHNICAL ADVISOR(S) RELATED TO EPA CLEANUP PROCESS MAJOR MILESTONES

Milestone Schedule/Tasks	Review Report	Prepare Memo/ Report	Attend Meeting	# of Hours	Cost at \$/Hour	Total Cost of Advisor	Total # Of Hours
YEAR 1 Remedial Investigation (RI Milestone):							
- Review work plan	X	X		30	\$1,500		
- Issue evaluation memo				30	\$1,500		
- Attend RI kickoff public mtg.			X	8	\$ 400		
- Review various RI reports (e.g. risk assessments, QA/QC plan, sampling)	X	X		47	\$2,350		
- Review RI Rpt & prepare RI evaluation Rpt.	X	X		45	\$2,250	\$8,000	160
Feasibility Study (FS Milestone):							
- Review health assessment & prepare Rpt.	X	X		80	\$4,000	\$4,000	80
YEAR 2 Feasibility Study (FS Milestone Continued):							
- Review draft FS & prepare evaluation	X	X		80	\$4,000		
- Brief LATAG of FS & attend FS meetings			X	80	\$4,000		
- Review LATAG comments on FS	X			10	\$500		
- Review ROD & prepare Summary memo	X	X		70	\$3,500	\$12,000	240
YEAR 3 Remedial Design (RD Milestone):							
- Review pre-final design & prepare design evaluation memo	X	X		140	\$7,000	\$7,000	140
Remedial Action (RA Milestone):							
- Review pre-final & final inspection reports & prepare cleanup evaluation report	X	X		100	\$5,000	\$5,000	100
				Total Technical Advisor(s) (Contracted)			
				\$36,000 720			
YEARS 1-3 Other Related Milestone Effort:							
Technical Assistance Administrative Support (Contracted):							
- Contracted hours (20 hrs/month avg. @ \$12/hr for 36 months)						Total Administrative (Contracted)	\$8,640
Travel (Outside consultant travel to Libby site, 6 two day trips assumption):							
- Airfare (\$250/trip x 6)							\$1,500
- Food and Lodging (\$75 per diem x 2 x 6)							\$900
- Auto Rental (\$100/trip x 6)							\$600
						Total Travel	\$3,000
Miscellaneous Other:							
- Postage							\$350
- Telephone							\$540
- Copy/Printing/Media							\$730
- Incorporation & 501(c)(3) Filing Fees							\$740
						Total Miscellaneous Other	\$2,300
				Total Other Related Milestone Effort			
				\$14,000			
				TOTAL (FEDERAL SHARE)			
				\$50,000			

Attachment 1-E

BUDGET PROPOSAL

LIBBY AREA TECHNICAL ASSISTANCE GROUP, INC.
- 3 YEAR BUDGET PERIOD -

1. FEDERAL SHARE:

A.	Technical Advisor (Contracted Service): Statement of Work Item 1,B (720 hours @ \$50/hr)	\$36,000
B.	Administrator (Contracted Service): Statement of Work Item 2,B (720 hours @ \$12/hr)	\$8,640*
C.	Travel (Technical Advisory): Airfare \$250 Food/Lodging \$150 Auto Rental \$100 Statement of Work Item 1 (Six 2-day trips @ \$500)	\$3,000
D.	Other: Postage \$350* Phone \$540* Copy/Printing/Media \$730* Incorp/501(c)3 fees \$740 Statement of Work Item 2,A (Total Other)	<u>\$2,360</u>
	TOTAL FEDERAL SHARE	\$50,000

2. MATCHING SHARE (IN-KIND):

A.	Technical Assistance (Board Review/Oversight): Statement of Work Item 1,A (540 hours @ \$25/hr)	\$13,500
B.	Management (Board Admin. Tech. Advisor/Admin. Contracts): Statement of Work Item 2,A (144 hours @ \$25/hr)	\$3,600*
C.	Incorporation (Articles/Bylaws): Statement of Work Item 2,A (14 hours @ \$75/hr)	\$1,050
D.	Public Information (Media Releases): Statement of work Item 1,A (72 hours @ \$25/hr)	\$1,800
E.	Meeting/Office Space (36 mos. @ \$75/mo.): Statement of Work Item 1,A @ \$2,132 & 2,A @ \$568* (pro-rated)	<u>\$2,700</u>
	TOTAL MATCHING SHARE (IN KIND)	\$22,650**
	TOTAL FEDERAL & MATCHING (1 & 2)	\$72,650***

* Administrative Cost (less than 20% of Total Budget)

** Matching Share (greater than 20% of Total Budget)

*** LOE total for technical assistance reflecting minimum federal support (\$50,000 funding) with 20% min matching/max administration cost parameters over a 3 year period.

Attachment 1-F

LATAG Member List

LIBBY AREA TAG STEERING COMMITTEE

All listed are acting as site "affected individuals" and are not representing academic, political subdivision, governmental or potentially responsible entities.

Bob Beagle 18 Rainbow Lane	293-6189 (home) 293-7721 (work) munro@libby.org
Steven Christianson MD 308 Louisiana Ave.	293-8756 293-0100 (work)
Michael Cohan 4 Pine Court	293-2341 (home)
Darrell Dusek 785 Farm to Market Rd.	293-9667 (home)
Ann German 421 Montana Ave.	293-4191 (work)
Barbara Guthneck 8577 Farm to Market Rd.	293-3620 (home) guthneck@hotmail.com
Jerry Hersman Post Office Box 1112	293-9130 (home) 293-8238 (work)
Manon Hughes/Brett McCully Post Office Box 393	293-9886/ 295-4009 (home) 293-4354 (work) afhughes@libby.org

Attachment 1-F

LATAG Member List

George Keck
8561 Farm To Market Rd.

293-7446
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keck@libby.org

Kendra Lind
418 Mineral Ave.

293-7781
X 220 (wk)
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Tim Moniz
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293-6757
(work)

Gary Morton
667 2nd St. Ext. W.

293-5357
(home)

Pat Naughton
Post Office Box 621

293-8406
(work)

Jon Reny
225 Commerce Way

293-7339
(home)
293-2721
(work)

Tiffany Sabine
251 W Cedar

293-8933
(home)
293-6234
(work)
293-0936
(cell)

Melody Schroder
225 Commerce Way

293-2721
1-(800)-333-3822
(work)

Dan Stephens
1024 Louisiana Ave.

293-3973
(home)
293-4184
(work)

Attachment 1-F

LATAG Member List

**Sandy Wagner
Post Office Box 153**

**293-5010
(home)
293-6244
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jnschwagner@lclink.com**

**Richard Wilkonski
5770 Kootenai River Rd.**

**293-5819
(home)
293-4242
(work)
rhwilcon@libby.org**

**Bob Zimmerman
519 Lincoln Blvd.**

**293-6942
(home)
293-1264
(cell)**



EPA Project Control Number

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Libby Area Technical Assistance Group
George Keck, Chair (Acting)

Signature of Authorized Representative

Date

15 July 2002

☐ I am unable to certify to the above statements. My explanation is attached.

CERTIFICATION — DRUG FREE WORKPLACE ACT OF 1988

The recipient certifies that it will provide a drug-free workplace by:

- (a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) establishing a drug-free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the recipient's policy of maintaining a drug-free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) making it a requirement that each employee engaged in the performance of the project be given a copy of the statement required by paragraph (a);
- (d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will:
 - (1) abide by the terms of the statement; and
 - (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such convictions;
- (e) notifying the Award Official within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
- (f) taking one of the following actions, with 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

The recipient shall insert in the space provided below the site(s) for performance of work done in connection with the specific award

Place of performance (street address, city, county, state, zip code)

Libby Area Technical Assistance Group, 8561 Farm To Market Rd,

Libby, Lincoln Co., MT 59923

Typed Name and Title of Authorized Representative

George Keck, Chair (Acting)

Signature of Authorized Representative

Date

15 July 02



CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award of documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Libby Area Technical Assistance Group
George Keck Chair (Acting)

Typed Name and Title of Authorized Representative

Signature of Authorized Representative

15 July 2002

Date



United States Environmental Protection Agency
Washington, DC 20460

**Preaward Compliance Review Report for
All Applicants Requesting Federal Financial Assistance**

FORM Approved
OMB No. 2090-0014
Expires 4-30-99

Note: Read instructions on reverse side before completing form.

I. A. Applicant (Name, City, State) Libby Area Technical Assistance Group Libby, Montana	B. Recipient (Name, City, State) N/A	C. EPA Project No.
------------------------------------------------------------------------------------------------	-----------------------------------------	--------------------

II. Brief description of proposed project, program or activity. EPA/NPL Libby Site Clean Up
Technical Advisory Assistance for the Libby Community at large

III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient?
If yes, list those complaints and the disposition of each complaint. ☐ Yes ☒ No

IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance?
If yes, list those compliance reviews and status of each review. ☐ Yes ☒ No

V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity?
If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance. ☐ Yes ☒ No

VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.
(Will Be Served)

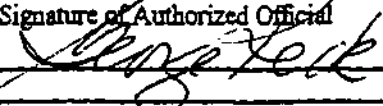
VII. Population Characteristics		Number of People
1. A. Population of Entire Service Area		12,000 (Approx)
B. Minority Population of Entire Service Area	3.2%	384 (Approx)
2. A. Population Currently Being Served		0
B. Minority Population Currently Being Served		0
3. A. Population to be Served by Project, Program or Activity		12,000 (Approx)
B. Minority Population to be Served by Project, Program or Activity	3.2%	384 (Approx)
4. A. Population to Remain Without Service		0
B. Minority Population to Remain Without Service		0

VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons?
If no, explain how a regulatory exception (40 CFR 7.70) applies. ☒ Yes ☐ No

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.

PROJECT WILL CONTINUE THROUGHOUT NPL CLEANUP PROCESS

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

A. Signature of Authorized Official 	B. Title of Authorized Official Chair (Acting)	C. Date 15 July 2002
For the U.S. Environmental Protection Agency		
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Authorized EPA Official	Date

CERTIFICATION OF NON-PROFIT STATUS

Corporation Name: * Libby Area Technical Assistance Group, Inc.

In November 1995, Congress enacted the Lobbying Disclosure Act of 1995 to provide for the disclosure of activities to influence the Federal Government and for other purposes.

Section I:

Please identify your Non-profit Status (✓ only one):

☐ 501(c)(3) * ☐ 501(c)(4) ☐ Other _____

(Complete Section II & III only if your organization is a 501(c)(4). If your organization is not 501(c)(4), skip Section II and go to Section III.)

Section II:

Please place a ✓ in the appropriate box that applies to your corporation.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- ☐ The corporation is a 501 (c)(4) nonprofit organization that engages in lobbying activities.
- ☐ The corporation is a 501 (c)(4) nonprofit organization that does not and will not engage in lobbying activities.

Section III:

George Keck, Chair (Acting)
Typed Name & Title of Authorized Representative


Signature of Authorized Representative

15 July 2002

Date

*Incorporation together with 501(c)(3) non-profit tax exempt status will be filed by Grant Award. (Refer to Project Narrative Statement Section 1-B Para's 1 & 5)

ADDITIONAL APPLICATION INFORMATION

Administrative Contact *

George Keck OR Sandy Wagner
(Name)

Chair (Acting) Vice Chair (Acting)
(Title)

(406) 293-7446 (406) 293-6244
keck@libby.org jswagner@lclink.com
(Telephone/FAX Number/E-Mail Address)

Fiscal Contact* (Person responsible for preparing Financial Status Report & Payment Request)

George Keck OR Sandy Wagner
(Name)

Chair (Acting) Vice Chair (Acting)
(Title)

(same as above) (same as above)
(Telephone/FAX Number/E-Mail Address)

MBE/WBE Contact* (Person responsible for preparing the MBE/WBE Utilization Report (EPA Form 5700-52A))

George Keck OR Sandy Wagner
(Name)

Chair (Acting) Vice Chair (Acting)
(Title)

(same as above) (same as above)
(Telephone/FAX Number/E-Mail Address)

* Interim Contacts:

Note, individuals subject to change upon incorporation with member (Narrative Attachment 1-F) election of a Board of Directors commensurate with/subject to grant award.